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III. Objections

The Drawings are objected to because the description of element 22 ("three primaries division portion (color disk)") is allegedly awkwardly worded. The Specification is also objected under the same rationale.

Applicants respectfully traverse the objections. The Office Action cites no authority for making the objections, the objections appear to be simply based on the Examiner's perception that better language could have been used to describe element 22. Although Applicants appreciate the Examiner's concern for the language of the specification, the language that is used in the specification adequately describes the invention within the meaning of 35 U.S.C. §112 ¶1. Describing an invention in compliance with §112 ¶1 is all that an applicant is required to do. It is often the case that some people believe that better language could have been used to describe a portion of an invention than the language that was actually used by the inventor, but selection of the best phraseology possible (however such may be subjectively defined) is not the test for patentability. As Applicant's description is in compliance with §112 ¶1, it would be inappropriate for Applicants to change the language of the Drawings and Specification of the pending application in the hopes of selecting language that may be more "better" than that initially used by the inventor.

IV. Prior Art Rejections

A. Anticipation

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Claims 1, 3, 4 and 7 stand rejected under 35 U.S.C. §102(b) as being anticipated by Yasugaki et al. (U.S. Patent 5,479,224) (hereafter "Yasugaki"), as set forth on pages 3-4 of the Office Action.

Claims 1 and 4-7 stand rejected under 35 U.S.C. §102(e) as being anticipated by Potin (U.S. Patent 6,304,386), as set forth on pages 4-5 of the Office Action.

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference as arranged in the claim. See, C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349, 48 U.S.P.Q.2D (BNA) 1225 (Fed. Cir. 1998), Shearing v. Iolab Corp., 975 F.2d 1541, 1544-45, 24 U.S.P.Q.2D (BNA) 1133, 1136 (Fed. Cir. 1992); Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2D (BNA) 1913, 1920 (Fed. Cir. 1989); Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 1458, 221 U.S.P.Q. (BNA) 481 (Fed. Cir. 1984); Perkin-Elmer Corp. v. Computervision Corp., 732 F.2d 888, 894, 221 U.S.P.Q. (BNA) 669, 673 (Fed. Cir. 1984); and Connell v. Sears, Roebuck & Co., 220 USPQ 193, 198 (Fed. Cir. 1983).

Neither Yasugaki nor Potin, disclose all of the elements of amended independent claims 1 and 7. Yasugaki discloses an image display apparatus which projects an image on a person's eye. See, Abs. Potin discloses a display device for a helmet-mounted display which uses a prism 7 whose optical aberrations are capable of compensating for the aberrations created by the visor of the helmet. See, Abs., Fig. 3. Neither Yasugaki nor Potin disclose an image generator that outputs and image signal of an image to be displayed, the image generator including image data previously distorted according to the predetermined curved surface of the screen and an image control section outputting an image signal depending on the image data, and an image projector for processing light from the light source by use of the image signal outputted from the

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image generator and for projecting an image on the screen of the predetermined curved surface, as recited by each of amended independent claims 1 and 7. Moreover, neither Yasugaki nor Potin disclose a display device which is to be installed in an instrument panel of a vehicle, as also recited by each of amended independent claims 1 and 7.

As neither Yasugaki nor Potin disclose each and every element of amended independent claims 1 or 7, neither Yasugaki nor Potin anticipate amended independent claims 1 or 7. Furthermore, as claims 3-6 are dependent on amended independent claim 1, and hence contain all of the limitations of amended independent claim 1, neither Yasugaki nor Potin disclose each and every element of claims 3-6 at least due to their dependency on amended independent claim 1.

Moreover, neither Yasugaki nor Potin disclose using a screen that has a surface shape which is continuous with peripheral members including a support member in the vehicle, in which the display device is built in, in design, as recited by amended claim 5.

Furthermore, neither Yasugaki nor Potin disclose dividing the screen into a plurality of sections arranged to be directed to a driver and/or passengers in a vehicle, as recited by amended claim 6.

B. Obviousness

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yasugaki alone or Potin in view of Negishi et al. (U.S. Patent 5,871,266), as set forth on pages 5-6 of the Office Action.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the *claimed invention* where there is some teaching, suggestion, or

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motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Ecolchem Inc. v. Southern California Edison Co., 227 F.3d 1361, 56 U.S.P.Q.2d (BNA) 1065 (Fed. Cir. 2000); In re Dembiczak, 175 F.3d 994, 999, 50 U.S.P.Q.2D (BNA) 1614, 1617 (Fed. Cir. 1999); In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992). See also MPEP 2143.01.

Neither Yasugaki nor Potin nor Negishi, taken alone or in combination, disclose all of the limitations claim 2, which is dependent on amended independent claim 1, and hence contains all of the limitations of amended independent claim 1. Neither Yasugaki nor Potin disclose all of the limitations of amended independent claim 1 as set forth above. Negishi is simply relied upon to allegedly address the limitation of claim 2 regarding the shape of the projection curved surface of the screen. The addition of Negishi does not cure the defects of either Yasugaki or Potin with respect to the limitations of amended independent claim 1.

Hence, as neither Yasugaki nor Potin nor Negishi, taken alone or in combination, disclose all of the limitations claim 2, and hence do not "produce" the claimed invention, neither Yasugaki nor Potin nor Negishi, taken alone or in combination, render claim 2 unpatentable as being obvious.

V. New Claim 8

The limitations of new independent claim 8 are not believed to be disclosed or suggested by the prior art, and hence new claim 8 is believed to be allowable.

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VI. Conclusion

Having fully responded to the Office Action, Applicants respectfully submit that the above application is in condition for allowance, an early indication of the allowability of the above application is respectfully requested. The Examiner is invited to contact Applicant's undersigned representative to discuss any outstanding matters that may inhibit an early indication of allowance of the above application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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